

Menard, Inc.

Ordinance No. G-2016-19 AMENDED

Introduced By: McGINN

Committee: PUBLIC WORKS

**AN ORDINANCE TO VACATE A CERTAIN EASEMENT WITHIN THE CITY OF  
EVANSVILLE, INDIANA, STORM DRAIN EASEMENT ACROSS LOTS 1 AND 2,  
STONEFIELD CROSSING, SECTION 2, SUBDIVISION, PARCEL IDS 82-06-14-015-  
172.001-027 (LOT 1) AND 82-06-14-015-172.002-027 (LOT 2)**

BE IT ORDAINED by the Common Council of the City of Evansville, Indiana, as follows, to-wit:

Section I. That pursuant to EMC 12.05.450, a sworn petition was presented to the Common Council of the City of Evansville requesting that the easement described in Section III below be vacated by the City of Evansville.

Section II. That after due and proper notice a timely public hearing was convened by the Common Council, at which time all interested persons were permitted to address the Common Council regarding said vacations.

Section III. That the Common Council of the City of Evansville, after due investigation and consideration, has determined that the nature and extent of the public use and the public interest to be subserved is such as to warrant the vacation of the easement (Exhibit A-1, Exhibit A-2) described as follows, and further indicated on the site plan attached hereto as Exhibit "A" which hereby is made a part of this Ordinance, and as more particularly described as follows, as "Storm Drain Easement", recorded at the Vanderburgh County's Recorder of Deeds, Indiana, Deed Drawer 1, Card 5554:

Part of the Northeast Quarter of Section 14, Township 6 South, Range 10 West and being more particularly described as follows:

Beginning at a point in Green River Road on the East line of said quarter section 1334.85 feet South of the Northeast corner thereof: from said place of beginning thence North 44 degrees and 50 minutes West for 428.0 feet; thence North, parallel to the said East line for 42.55 feet; thence South 44 degrees and 50 minutes East for 428.0 feet to a point on the said East line; thence South along the said East line for 42.54 feet to the place of beginning.

Section IV. The vacation of said easement described in Section III above is not subject to the reservations of easements in the favor of the utilities identified below because none are located in the area to be vacated:

- A. Evansville Water/Sewer Utility (EWSU)
- B. Southern Indiana Gas and Electric Company d/b/a Vectren Energy Delivery of Indiana
- C. AT&T
- D. Insight Communications/Time Warner

**FILED**

**JUN 20 2016**

*Anna Widner*  
CITY CLERK

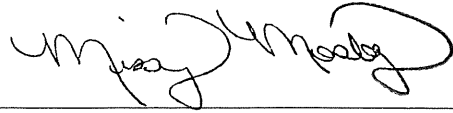
E. W.O.W.

F. The Evansville Fire Department has no objection to the vacations as per the letter attached hereto as Exhibit "B".

G. The City/Traffic Engineer has no objection to the vacations as per the letter attached hereto as Exhibit "C".

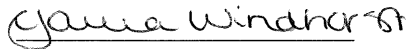
THEREFORE, the Common Council of the City of Evansville, Indiana does hereby find the above described easement is no longer required for public use and the public interest will be served by such vacation and the Common Council of the City of Evansville does hereby vacate the easement described in Section III above subject to the terms and conditions as stated in this ordinance.

Passed by the Common Council of Evansville, Indiana of this 28 day of July, 2016, and on said day assigned by the President of said Common Council and attested by the City Clerk.



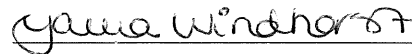
President

ATTEST:



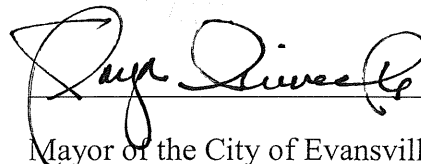
City Clerk

Presented by me, the undersigned, City Clerk of the City of Evansville, Indiana to the Mayor of said City, the 28 day of July, 2016 at 10 o'clock A.m.



City Clerk

Having examined the foregoing Ordinance, I do, as Mayor of said City of Evansville, Indiana, approve said Ordinance, and return the same to the City Clerk, this 29<sup>th</sup> day of July, 2016, at 2:00 o'clock P.m.




Mayor of the City of Evansville, Indiana

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**THIS INSTRUMENT** was prepared by Alexandra Katzman, Corporate Counsel, Menard, Inc, 5101 Menard Drive, Eau Claire, Wisconsin, 54703.

I affirm under the penalties for perjury that I have taken reasonable care to redact each Social Security number in this document, unless required by law. 

**RETURN TO:** ATTN: Alexandra Katzman, Menard, Inc., 5101 Menard Drive, Eau Claire, Wisconsin, 54703.

# Exhibit A

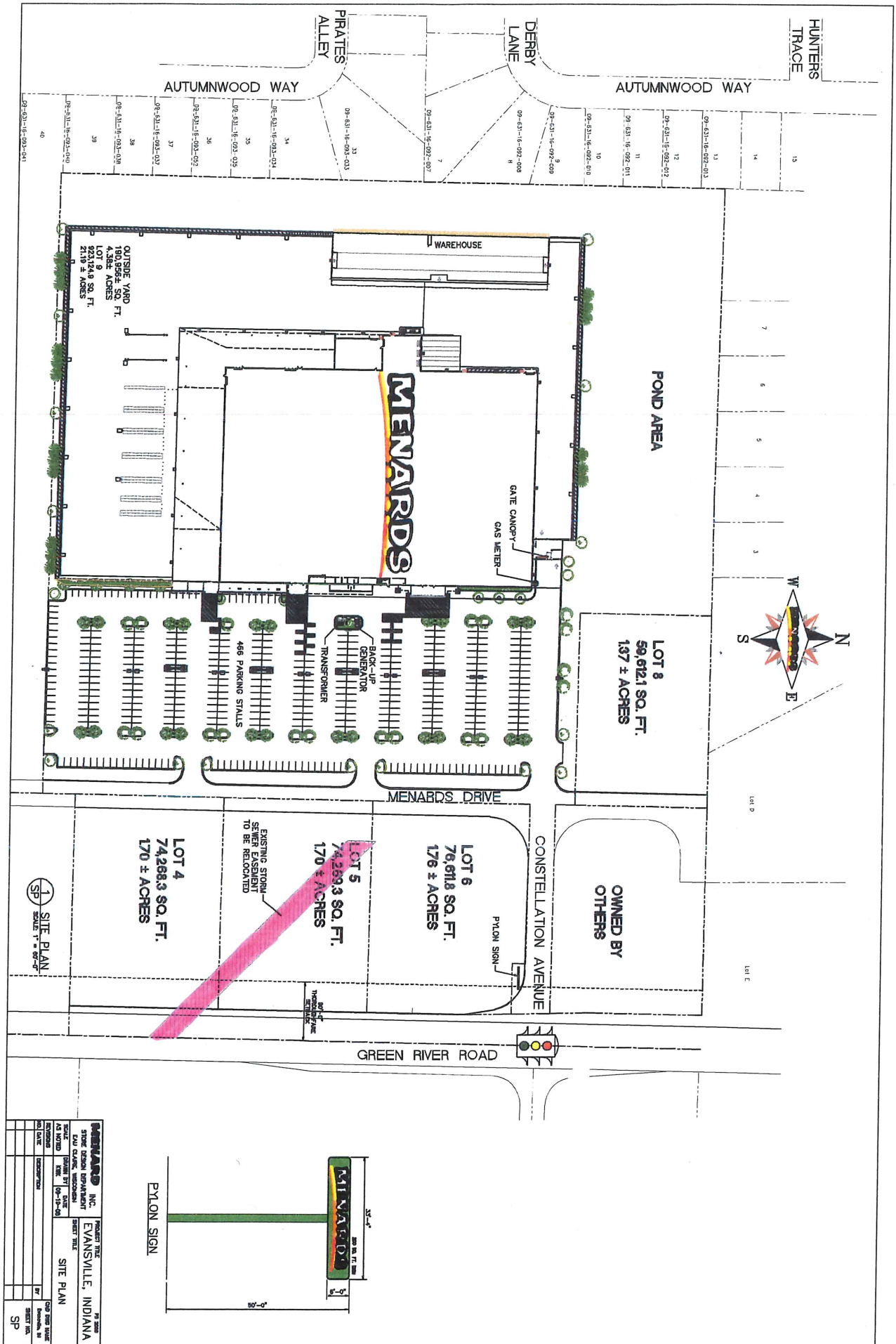


Exhibit A-1. (1 of 2)

81-18895

STORM DRAIN EASEMENT

DRAWER 1 Deed CARD 5554

THIS INDENTURE WITNESSETH, That THE CITIZENS NATIONAL BANK OF EVANSVILLE, Evansville, Indiana, as Trustee for Stella H. Crowell, under Trust Indenture dated February 10, 1972, hereinafter referred to as "Grantor", for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, hereby grants, conveys and warrants to Vanderburgh County, Indiana, a permanent thirty (30) foot storm drainage easement for the construction, improvement, operation and maintenance of a storm drain upon and across the following land lying and being situate in Vanderburgh County, Indiana, to-wit:

Part of the Northeast Quarter of Section 14, Township 6 South, Range 10 West and being more particularly described as follows:

Beginning at a point in Green River Road on the East line of said quarter section 1334 85 feet South of the Northeast corner thereof; from said place of beginning thence North 44 degrees and 50 minutes West for 428.0 feet, thence North, parallel to the said East line for 42.55 feet; thence South 44 degrees and 50 minutes East for 428.0 feet to a point on the said East line; thence South along the said East line for 42.54 feet to the place of beginning.

A plat of which is attached hereto and marked "Exhibit A".

To have and to hold said right-of-way unto the said County of Vanderburgh, State of Indiana, for storm drainage purposes so long as the same shall be used, operated and maintained as a storm drain and the Grantor hereby dedicates its interest in said real estate to public use for said purpose.

IN WITNESS WHEREOF, the said The Citizens National Bank of Evansville, as Trustee for Stella H. Crowell under the Trust Indenture dated February 10, 1972, has hereunto set its hand and seal this 13 day of January, 1978.

THE CITIZENS NATIONAL BANK  
OF EVANSVILLE, AS TRUSTEE  
FOR STELLA H. CROWELL,  
under Trust Indenture dated  
February 10, 1972.

BY [Signature]  
ITS RECEIVED  
FOR RETURN

DEC 9 11 21 AM '81

ESTELLA M. MOSS  
RECORDED  
VANDERBURGH COUNTY

STATE OF INDIANA )  
COUNTY OF VANDERBURGH ) SS

Before me, the undersigned, a Notary Public in and for said County and State, this 13 day of January, 1978, personally appeared Michael A. Doris and K. G. Haynie, Jr., personally known to me to be the Asst. Trust Officer and Asst. Trust Officer respectively of The Citizens National Bank of Evansville, as Trustee for Stella H. Crowell under Trust Indenture dated February 10, 1972, the Grantor in the foregoing easement and acknowledge the execution of the same to be its voluntary act and deed.

"EXHIBIT A"

(Thirty (30.0) foot storm drain easement)

Beginning at a point in Green River Road on the East line of said quarter section 1334.85 feet South of the Northeast corner thereof; from said place of beginning thence North 44 degrees and 50 minutes West for 428.0 feet; thence North, parallel to the said East line for 42.55 feet; thence South 44 degrees and 50 minutes East for 428.0 feet to a point on the said East line; thence South along the said East line for 42.55 feet to the place of beginning.

14-6-10

Sam Biggerstaff-LS  
Indiana Reg. No. 9838  
Evansville, Indiana  
January 4, 1978



Exhibit B (1 of 2)



LLOYD WINNECKE  
MAYOR

MIKE CONNELLY  
FIRE CHIEF

550 S.E. Eighth St. • Evansville, IN 47713-1786  
(812) 435-6235 • FAX: (812) 435-6248 • TDD/Hearing Impaired: (812) 436-4925

---

November 11, 2015

Alexandra Katzman  
Corporate Counsel  
Menard Inc- Properties Division  
5101 Menard Drive  
Eau Claire, WI, 54701

RE: Petition for Vacation of Right-of-Way – Streets, Alleys or Easements listed below;

Ms. Katzman;

We recognize & acknowledge request for Vacation of area referenced on the Menards,  
Proposed Landscape Plan exhibit, Vanderburgh County, Indiana.

- 1) Existing storm drain easement, running northwest-southeast, with dimensions of 42.55' in width and 428' in length, give or take. This easement lies in Lots 4, 5 & 6 of the Landscape Exhibit and the western portion of the right-of-way for Green River Road.

**Existing Conditions: Storm Drain Easement, Road Right-of-way**

**Effect of Vacation on Fire Department: none**

**Recommendations: The Evansville Fire Department has no objection in vacating of above referenced easement/right-of-way.**

Sincerely,

**Dan Grimm**  
Chief Fire Marshal  
Fire Prevention & Education  
Evansville Fire Department  
550 SE 8th Street  
Evansville, IN 47713  
812.436.4428





# Exhibit B (2 of 2)

**Alexandra Katzman**

---

**From:** Grimm, Dan <Dgrimm@evansvillefiredepartment.com>  
**Sent:** Wednesday, November 11, 2015 3:12 PM  
**To:** Alexandra Katzman  
**Subject:** RE: Vacation of Menard's Storm Drain Easement, Lots 4,5,6, Parcel ID 82-06-14-015-170.0005-027  
**Attachments:** Vacation letter-Menards, Storm Drain.doc

See if this works for you.

**From:** Alexandra Katzman [mailto:akatzman@menard-inc.com]  
**Sent:** Wednesday, November 11, 2015 1:57 PM  
**To:** Grimm, Dan <Dgrimm@evansvillefiredepartment.com>  
**Subject:** Vacation of Menard's Storm Drain Easement, Lots 4,5,6, Parcel ID 82-06-14-015-170.0005-027

Dear Mr. Grimm,

I sent an original letter via US regular mail to you on October 9, 2015, but did not receive a response. I am contacting you on behalf of Menard Inc., in our efforts for future development in the vicinity of the above described area. To successfully develop the area in a more efficient way, Menard Inc. needs to vacate the storm drain easement that runs across the described parcel. To date, there are no specific development plans for this property. Attached is an exhibit and description of the area that is to be vacated.

Please return an original letter as to your position or circumstances regarding this proposed vacation as soon as possible.

**ALEXANDRA KATZMAN**

Corporate Counsel  
Menard Inc- Properties Division  
5101 Menard Drive  
Eau Claire, WI, 54701  
Phone: (715)876-2374  
Fax: (715)876-5998  
[akatzman@menard-inc.com](mailto:akatzman@menard-inc.com)

**\*\*CONFIDENTIALITY NOTICE\*\***

This communication constitutes an electronic communication within the meaning of the Electronic Privacy Act, 18 U.S.C. Section 2510, et. seq. Disclosure of this communication is strictly limited to the intended recipient. This communication and its contents and attachments, if any, are confidential and may contain information that is privileged or otherwise exempt from disclosure under applicable law. Receipt by any person or entity other than the intended recipient does not constitute waiver or loss of the confidential or privileged nature of this communication. Any review, dissemination, copying, resubmission, transfer, or distribution in any form by any person or entity other than the intended recipient is strictly prohibited. If you are not the intended recipient, please notify the sender immediately and delete any and all copies of this communication and any attachments. Failure to abide by these provisions will result in legal and equitable action taken against you, as identified in 18 U.S.C. Sections 2520-21.

Exhibit C (1 of 3)



City Engineer's Office  
CIVIC CENTER COMPLEX, ROOM 321  
1 N.W. MARTIN LUTHER KING, JR BLVD.  
EVANSVILLE, INDIANA 47708-1875  
Phone: (812) 436-4990 FAX: (812) 436-4976  
TDD/Hearing Impaired (812) 436-4934

LLOYD WINNECKE  
MAYOR

BRENT A. SCHMITT, P.E.  
CITY ENGINEER

October 20, 2015

Alexandra Katzman  
Corporate Counsel  
Menard, Inc.  
5101 Menard Drive  
Eau Claire, WI 54703

Re: Proposed Vacation of Vanderburgh County Drainage Easement

Dear Ms. Katzman,

In regards to your vacation comment request and supplied document 81-18695 (attached for reference), the following comments are provided:

- The subject easement lies within the area annexed by the City of Evansville.
- Our record search found no public facilities under the jurisdiction of this office situated within the area proposed for vacation. As such, vacation of this area would have no effect on future plans of this office. This office has no objections to the proposed vacation.
- Any plans for future improvements in this area will require the necessary submittals, approvals, and permitting procedures.

Thank you and please feel free to contact me if you have any questions.

Sincerely,

City Engineer's Office

A handwritten signature in black ink, appearing to read "Chris Weil", enclosed within a large, loopy oval shape.

By: Chris Weil, P.E.  
Assistant City Engineer

Attachments  
Cc: File

# Exhibit C (2 of 3)

**Alexandra Katzman**

---

**From:** Cruse, Jim <jcruse@evansville.in.gov>  
**Sent:** Wednesday, November 11, 2015 3:37 PM  
**To:** Alexandra Katzman  
**Cc:** Schmitt, Brent A.; Weil, Christopher  
**Subject:** FW: Vacation of Menard's Storm Drain Easement, Lots 4,5,6, Parcel ID 82-06-14-015-170.0005-027  
**Attachments:** Evansville Easement Map.pdf; plat map with store plan.pdf

Alexandra,

You will receive a response from the City Engineering Department which will cover the Traffic Engineering Department also.

If you have any additional questions, please contact me.

Thanks,  
Jim

James Cruse, Supervisor  
Traffic Engineering Department  
1304 Waterworks Rd.  
Evansville, IN 47713  
Office: 812 435-6003  
Fax: 812 436-5771  
Email: [jcruse@evansville.in.gov](mailto:jcruse@evansville.in.gov)

**From:** Alexandra Katzman [<mailto:akatzman@menard-inc.com>]  
**Sent:** Wednesday, November 11, 2015 1:51 PM  
**To:** Cruse, Jim <[jcruse@evansville.in.gov](mailto:jcruse@evansville.in.gov)>  
**Subject:** Vacation of Menard's Storm Drain Easement, Lots 4,5,6, Parcel ID 82-06-14-015-170.0005-027

Dear Mr. Cruse,

I sent an original letter via US regular mail to you on October 9, 2015, but did not receive a response. I am contacting you on behalf of Menard Inc., in our efforts for future development in the vicinity of the above described area. To successfully develop the area in a more efficient way, Menard Inc. needs to vacate the storm drain easement that runs across the described parcel. To date, there are no specific development plans for this property. Attached is an exhibit and description of the area that is to be vacated.

Please return an original letter as to your position or circumstances regarding this proposed vacation as soon as possible.

**ALEXANDRA KATZMAN**  
Corporate Counsel  
Menard Inc- Properties Division  
5101 Menard Drive  
Eau Claire, WI, 54701  
Phone: (715)876-2374

Exhibit C (3 of 3)

Fax: (715)876-5998

[akatzman@menard-inc.com](mailto:akatzman@menard-inc.com)

**\*\*CONFIDENTIALITY NOTICE\*\***

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**BEFORE THE COMMON COUNCIL OF THE CITY OF EVANSVILLE**

**PETITION FOR THE VACATION OF CERTAIN PUBLIC WAYS OR PUBLIC PLACES WITHIN  
THE CITY OF EVANSVILLE, INDIANA, COMMONLY KNOWN AS STORM DRAIN  
EASEMENT, LOTS 1 AND 2, STONEFIELD CROSSING, SECTION 2, SUBDIVISION, PARCEL  
IDS 82-06-14-015-172.001-027 (LOT 1) AND 82-06-14-015-172.002-027 (LOT 2)**

Petitioners: Menard, Inc.

Address: ATTN: Properties

5101 Menard Drive,

Eau Claire, WI 54703

1. Petition is hereby made pursuant to the provisions of I.C. 36-7-3-12 through I.C. 36-7-3-16 and Sections 12.05.450 through 12.05.510 of the Municipal Code of Evansville, for the vacation of a storm drain easement, lying on lots 1 and 2 located in the Stonefield Crossing, Section 2 subdivision as shown on the plat recorded on December 7, 2015 in the Office of the Recorder of Vanderburgh County, Indiana, Parcel IDs of 82-06-14-015-172.001-027 (Lot 1) and 82-06-14-015-172.002-027 (Lot 2), all of which is located in Evansville, Vanderburgh County, Indiana, more particularly described in the complete legal description attached hereto as Exhibit A-1. The legal description for the easement is attached here as Exhibit A-2 and Exhibit A-3.
2. Petitioner, Menard, Inc., is a Wisconsin corporation with its principal office and place of business at 5101 Menard Drive, City of Eau Claire, Eau Claire County, Wisconsin 54703.
3. Petitioners request the vacation of said storm drain easement to allow for future development and no facilities are located in the easement in lots 1 and 2 Parcel IDs 82-06-14-015-172.001-027 (Lot 1) and 82-06-14-015-172.002-027 (Lot 2).
4. The names and addresses of the persons who, in addition to the Petitioner, own property which is located within two hundred (200) feet of the right of way to be vacated by this petition are attached hereto as Exhibit B
5. The Evansville Fire Department has no objection to the vacation as per the Letter attached hereto as Exhibit C.
6. The City/Traffic Engineer has no objection to the vacation as per the letter attached hereto as Exhibit D.

**FILED**

**JUN 20 2016**

*Anna Windhous*  
CITY CLERK

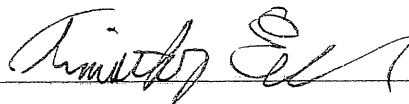
7. AT&T has no objection as per the letter attached hereto as Exhibit E
8. Time Warner Cable has no objection as per the letter hereto attached as Exhibit F.
9. Evansville Water & Sewer Utility has no objection as per the letter hereto attached as Exhibit G.
10. WOW has no objection, as per the letter attached hereto as Exhibit H
11. Vectren has no objection as per the letter attached hereto as Exhibit I
12. Attached to this petition is a Location Map/Site Plan ( Exhibit J) which more particularly identifies the area sought to be vacated by this petition.

Menard, Inc.

  
By: Theron J. Berg  
Its: Real Estate Manager

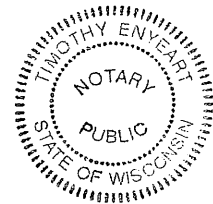
State of WISCONSIN            )  
  )ss.  
County of EAU CLAIRE        )

On this the 11 day of April, 2016, before me a Notary Public within and for said County and State, personally appeared Theron J. Berg to me personally known, who, being by me duly sworn, did say that he is the Real Estate Manager of Menard, Inc., the corporation named in the foregoing instrument, and that the instrument was signed on behalf of the corporation by authority of its Board of Directors and Theron J. Berg acknowledged the instrument to be the free act and deed of the corporation.

  
Notary Public

Eau Claire County, Wisconsin

My Commission is permanent.



Noraj-Nagrom, LLC

By: JASON L. HARGIS

Its: MANAGER / Manager

State of INDIANA )

)ss.

County of VANDERBURGH )

On this the 4<sup>th</sup> day of March, 2016, before me a Notary Public within and for said County and State, personally appeared Jason L. Hargis to me personally known, who, being by me duly sworn, did say that (s)he is the Member/Manager of Noraj-Nagrom, LLC, the entity named in the foregoing instrument, and that the instrument was signed on behalf of the entity by authority of its Member  
\_\_\_\_\_ acknowledged the instrument to be the free act and deed of the corporation.



JEANNIE M. KIESEL  
Resident of Vanderburgh County, IN  
Commission Expires: April 18, 2023

Jeannie M. Kiesel

Notary Public

Vanderburgh County Indiana

My Commission is permanent.



## **Exhibit A-1**

### **Legal Description**

Lots One (1) and Two (2) in Stonefield Crossing, Section 2, an Addition to Vanderburgh County, Indiana as per plat thereof, recorded in Plat Book U, Page 4 in the office of the Recorder of Vanderburgh County, Indiana.

#6 *(Handwritten signature)* #5  
*Across middle of Lot*

81-18695

STORM DRAIN EASEMENT

DRAWER 1 *Deed* CARD 5554

THIS INDENTURE WITNESSETH, That THE CITIZENS NATIONAL BANK OF EVANSVILLE, Evansville, Indiana, as Trustee for Stella H. Crowell, under Trust Indenture dated February 10, 1972, herein-after referred to as "Grantor", for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, hereby grants, conveys and warrants to Vanderburgh County, Indiana, a permanent thirty (30) foot storm drainage easement for the construction, improvement, operation and maintenance of a storm drain upon and across the following land lying and being situate in Vanderburgh County, Indiana, to-wit:

Part of the Northeast Quarter of Section 14, Township 6 South, Range 10 West and being more particularly described as follows:

Beginning at a point in Green River Road on the East line of said quarter section 1334.85 feet South of the Northeast corner thereof; from said place of beginning thence North 44 degrees and 50 minutes West for 428.0 feet; thence North, parallel to the said East line for 42.55 feet; thence South 44 degrees and 50 minutes East for 428.0 feet to a point on the said East line; thence South along the said East line for 42.54 feet to the place of beginning.

A plat of which is attached hereto and marked "Exhibit A".

To have and to hold said right-of-way unto the said County of Vanderburgh, State of Indiana, for storm drainage purposes so long as the same shall be used, operated and maintained as a storm drain and the Grantor hereby dedicates its interest in said real estate to public use for said purpose.

IN WITNESS WHEREOF, the said The Citizens National Bank of Evansville, as Trustee for Stella H. Crowell under the Trust Indenture dated February 10, 1972, has hereunto set its hand and seal this 13 day of January, 1978.

THE CITIZENS NATIONAL BANK  
 OF EVANSVILLE, AS TRUSTEE  
 FOR STELLA H. CROWELL,  
 under Trust Indenture dated  
 February 10, 1972

BY *(Signature)*  
 ITS RECEIVED  
 FOR RECORD

DEC 9 11 21 AM '81

ESTELLA H. AGES  
 RECORDER OF  
 VANDERBURGH COUNTY

ATTEST  
 BY *(Signature)*  
 ITS

STATE OF INDIANA )  
 )  
 COUNTY OF VANDERBURGH )

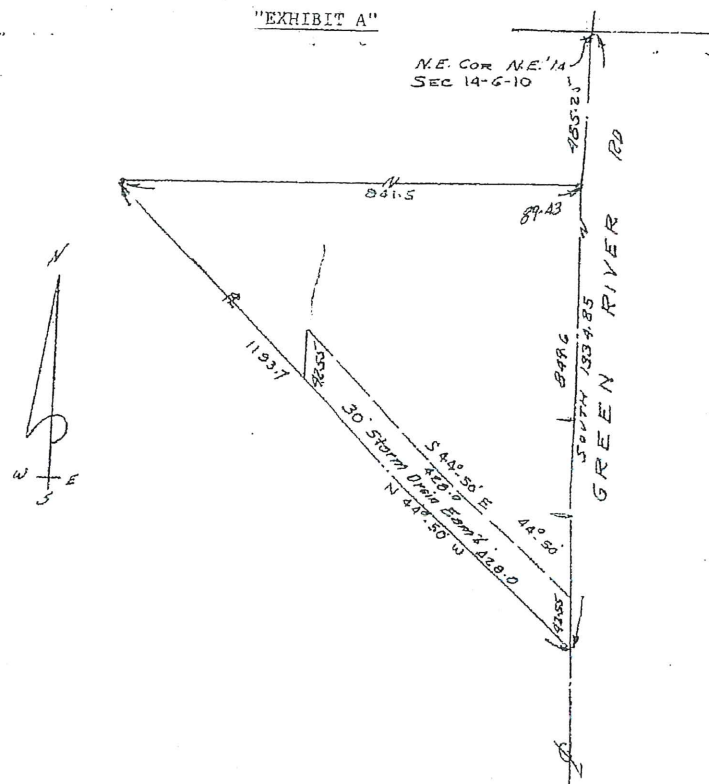
SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 13 day of January, 1978, personally appeared Michael A. Doris and K. G. Haynie, Jr., personally known to me to be the Asst. Trust Officer and Asst. Trust Officer respectively of The Citizens National Bank of Evansville, as Trustee for Stella H. Crowell under Trust Indenture dated February 10, 1972, the Grantor in the foregoing easement and acknowledge the execution of the same to be its voluntary act and deed.

S  
C  
E  
T

A  
B

# Exhibit A-2 (2 of 2)



## DESCRIPTION

(Thirty (30.0) Foot storm drain easement)

A Thirty (30.0) Foot storm drainage easement lying in the Northeast Quarter of Section 14, Township 6 South, Range 10 West in Vanderburgh County, Indiana, and being more particularly described as follows:

Beginning at a point in Green River Road on the East line of said quarter section 1334.85 feet South of the Northeast corner thereof; from said place of beginning thence North 44 degrees and 50 minutes West for 428.0 feet; thence North, parallel to the said East line for 42.56 feet; thence South 44 degrees and 50 minutes East for 428.0 feet to a point on the said East line; thence South along the said East line for 42.56 feet to the place of beginning.

Drainage Easement

14-6-10

*Sam Biggers*  
 Sam Biggers - LS  
 Indiana Reg. No. 9838  
 Evansville, Indiana  
 January 4, 1978



## Exhibit B

### **PROPERTY OWNERS WITHIN 200 FEET OF STORM DRAINAGE EASEMENT**

1. Mary Edna Harp,  
2905 N. Green River Road  
Evansville, IN 47715
2. Lucas Oil Center No. 1 LLC  
2650 N. Green River Road  
Evansville, IN 47715
3. All other adjacent property is owned by petitioner



LLOYD WINNECKE  
MAYOR

MIKE CONNELLY  
FIRE CHIEF

550 S.E. Eighth St. • Evansville, IN 47713-1786  
(812) 435-6235 • FAX: (812) 435-6248 • TDD/Hearing Impaired: (812) 436-4925

---

November 11, 2015

Alexandra Katzman  
Corporate Counsel  
Menard Inc- Properties Division  
5101 Menard Drive  
Eau Claire, WI, 54701

RE: Petition for Vacation of Right-of-Way – Streets, Alleys or Easements listed below;

Ms. Katzman;

We recognize & acknowledge request for Vacation of area referenced on the Menards,  
Proposed Landscape Plan exhibit, Vanderburgh County, Indiana.

- 1) Existing storm drain easement, running northwest-southeast, with dimensions of 42.55' in width and 428' in length, give or take. This easement lies in Lots 4, 5 & 6 of the Landscape Exhibit and the western portion of the right-of-way for Green River Road.

**Existing Conditions: Storm Drain Easement, Road Right-of-way**

**Effect of Vacation on Fire Department: none**

**Recommendations: The Evansville Fire Department has no objection in vacating of above referenced easement/right-of-way.**

Sincerely,

**Dan Grimm**  
Chief Fire Marshal  
Fire Prevention & Education  
Evansville Fire Department  
550 SE 8th Street  
Evansville, IN 47713  
812.436.4428



**Nicholas Brenner**

---

**From:** Grimm, Dan <Dgrimm@evansvillefiredepartment.com>  
**Sent:** Wednesday, November 11, 2015 3:12 PM  
**To:** Alexandra Katzman  
**Subject:** RE: Vacation of Menard's Storm Drain Easement, Lots 4,5,6, Parcel ID 82-06-14-015-170.0005-027  
**Attachments:** Vacation letter-Menards, Storm Drain.doc  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

See if this works for you.

**From:** Alexandra Katzman [<mailto:akatzman@menard-inc.com>]  
**Sent:** Wednesday, November 11, 2015 1:57 PM  
**To:** Grimm, Dan <[Dgrimm@evansvillefiredepartment.com](mailto:Dgrimm@evansvillefiredepartment.com)>  
**Subject:** Vacation of Menard's Storm Drain Easement, Lots 4,5,6, Parcel ID 82-06-14-015-170.0005-027

Dear Mr. Grimm,

I sent an original letter via US regular mail to you on October 9, 2015, but did not receive a response. I am contacting you on behalf of Menard Inc., in our efforts for future development in the vicinity of the above described area. To successfully develop the area in a more efficient way, Menard Inc. needs to vacate the storm drain easement that runs across the described parcel. To date, there are no specific development plans for this property. Attached is an exhibit and description of the area that is to be vacated.

Please return an original letter as to your position or circumstances regarding this proposed vacation as soon as possible.

**ALEXANDRA KATZMAN**

Corporate Counsel  
Menard Inc- Properties Division  
5101 Menard Drive  
Eau Claire, WI, 54701  
Phone: (715)876-2374  
Fax: (715)876-5998  
[akatzman@menard-inc.com](mailto:akatzman@menard-inc.com)

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**\*\*CONFIDENTIALITY NOTICE\*\***

This communication constitutes an electronic communication within the meaning of the Electronic Privacy Act, 18 U.S.C. Section 2510, et. seq. Disclosure of this communication is strictly limited to the intended recipient. This communication and its contents and attachments, if any, are confidential and may contain information that is privileged or otherwise exempt from disclosure under applicable law. Receipt by any person or entity other than the intended recipient does not constitute waiver or loss of the confidential or privileged nature of this communication. Any review, dissemination, copying, resubmission, transfer, or distribution in any form by any person or entity other than the intended recipient is strictly prohibited. If you are not the intended recipient, please notify the sender immediately and delete any and all copies of this communication and any attachments.

Exhibit D (1 of 3)



**City Engineer's Office**  
CIVIC CENTER COMPLEX, ROOM 321  
1 N.W. MARTIN LUTHER KING, JR. BLVD.  
EVANSVILLE, INDIANA 47708-1875  
Phone: (812) 436-4990 FAX: (812) 436-4976  
TDD/Hearing Impaired (812) 436-4934

LLOYD WINNECKE  
MAYOR

BRENT A. SCHMITT, P.E.  
CITY ENGINEER

October 20, 2015

Alexandra Katzman  
Corporate Counsel  
Menard, Inc.  
5101 Menard Drive  
Eau Claire, WI 54703

Re: Proposed Vacation of Vanderburgh County Drainage Easement

Dear Ms. Katzman,

In regards to your vacation comment request and supplied document 81-18695 (attached for reference), the following comments are provided:

- The subject easement lies within the area annexed by the City of Evansville.
- Our record search found no public facilities under the jurisdiction of this office situated within the area proposed for vacation. As such, vacation of this area would have no effect on future plans of this office. This office has no objections to the proposed vacation.
- Any plans for future improvements in this area will require the necessary submittals, approvals, and permitting procedures.

Thank you and please feel free to contact me if you have any questions.

Sincerely,

**City Engineer's Office**

A handwritten signature in black ink, appearing to read "Chris Weil", enclosed within a large, loopy oval shape.

By: Chris Weil, P.E.  
Assistant City Engineer

Attachments  
Cc: File



Exhibit D (2 of 3)

**Alexandra Katzman**

---

**From:** Cruse, Jim <jcruse@evansville.in.gov>  
**Sent:** Wednesday, November 11, 2015 3:37 PM  
**To:** Alexandra Katzman  
**Cc:** Schmitt, Brent A.; Weil, Christopher  
**Subject:** FW: Vacation of Menard's Storm Drain Easement, Lots 4,5,6, Parcel ID 82-06-14-015-170.0005-027  
**Attachments:** Evansville Easement Map.pdf; plat map with store plan.pdf

Alexandra,

You will receive a response from the City Engineering Department which will cover the Traffic Engineering Department also.

If you have any additional questions, please contact me.

Thanks,  
Jim

**James Cruse, Supervisor**  
**Traffic Engineering Department**  
**1304 Waterworks Rd.**  
**Evansville, IN 47713**  
**Office: 812 435-6003**  
**Fax: 812 436-5771**  
**Email: [jcruse@evansville.in.gov](mailto:jcruse@evansville.in.gov)**

**From:** Alexandra Katzman [<mailto:akatzman@menard-inc.com>]  
**Sent:** Wednesday, November 11, 2015 1:51 PM  
**To:** Cruse, Jim <jcruse@evansville.in.gov>  
**Subject:** Vacation of Menard's Storm Drain Easement, Lots 4,5,6, Parcel ID 82-06-14-015-170.0005-027

Dear Mr. Cruse,

I sent an original letter via US regular mail to you on October 9, 2015, but did not receive a response. I am contacting you on behalf of Menard Inc., in our efforts for future development in the vicinity of the above described area. To successfully develop the area in a more efficient way, Menard Inc. needs to vacate the storm drain easement that runs across the described parcel. To date, there are no specific development plans for this property. Attached is an exhibit and description of the area that is to be vacated.

Please return an original letter as to your position or circumstances regarding this proposed vacation as soon as possible.

**ALEXANDRA KATZMAN**  
Corporate Counsel  
Menard Inc- Properties Division  
5101 Menard Drive  
Eau Claire, WI, 54701  
Phone: (715)876-2374

## Exhibit D (3 of 3)

Fax: (715)876-5998

[akatzman@menard-inc.com](mailto:akatzman@menard-inc.com)

### **\*\*CONFIDENTIALITY NOTICE\*\***

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134 NW Sixth Street  
Evansville, Indiana 47708

November 11, 2015

Alexandra Katzman  
Corporate Counsel  
Menard, Inc.  
5101 Menard Drive  
Eau Claire, Wisconsin 54703

RE: Vacation of Menard's Storm Drain Easement,  
Lots 4,5,6, Parcel ID 82-06-14-015-170.0005-027  
North Green River Rd., Vanderburgh County, Indiana

Ms. Katzman,

AT&T Indiana has no objection vacation of the Menard's Storm Drain Easement, Lots 4,5,6, Parcel ID 82-06-14-015-170.0005-027, as described in your letter and exhibit of October 9, 2015, and as depicted on the landscape plan provided in your email of November 11, 2015 (attached).

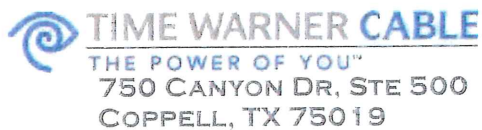
AT&T has no facilities in the aforementioned easement.

If you have any questions, please email or call me at 812/464-6050.

Regards,

A handwritten signature in black ink, appearing to read "Marc Clark".

Marc Clark  
AT&T Design Engineer  
[mc3429@att.com](mailto:mc3429@att.com)




November 11, 2015

Alexandra Katzman  
Menard, INC.  
5101 Menard Drive  
Eau Claire, WI 54703

SUBJECT: Menards Storm Drain Easement - Evansville, IN

We have reviewed your request for the above referenced Utility Easement, and Time Warner Cable (TWC) hereby grants the abandonment Lots 4,5,6 Parcel ID 82-06-14-015-170.005-027, in Evansville, IN.

For future reference, please send all utility coordination, abandonments, encroachments, plat signatures, or serviceability requests, or notices of relocation to [west-engineering-relo@twcable.com](mailto:west-engineering-relo@twcable.com). Please share this information with whoever needs these services.

Sincerely,  
  
Lisa Law

Manager of Data Operations  
Time Warner Cable  
750 Canyon Drive  
Coppell, TX 75019  
1-972-537-5323

Exhibit G (1 of 1)



LLOYD WINNECKE  
MAYOR

**EVANSVILLE WATER &  
SEWER UTILITY**

ALLEN R. MOUNTS  
DIRECTOR

1 NW Martin Luther King Blvd. Room 104 • Evansville, Indiana 47708  
P O Box 19, Evansville, Indiana 47740-0001  
(812) 436-7846 • FAX (812) 436-7863 • TDD (812) 436-7864

November 17, 2015

Ms. Alexandra Katzman  
Menard, Inc.  
5101 Menard Drive  
Eau Claire, WI 54703

Re.: Menards Storm Drain Easement  
Drainage Easement Vacation, Lots 4, 5, & 6

Ms. Katzman,

This letter is in response to your inquiry concerning the vacation request identified above. The Evansville Water and Sewer have no objection to the vacation of this easement. If you have any questions, please call me at 421-2130 x2228.

Sincerely,

A handwritten signature in black ink, reading "Michael D. Labitzke".

Michael D. Labitzke, PE  
Deputy Director of Utilities - Engineering



It's that kind of experience.

November 2, 2015  
Menard, Inc.  
5101 Menard Dr.  
Eau Claire, WI 54703

Attn: *Alexandra Katzman*

**RE: Vacation of Menard's Storm Drain Easement, Lots 4, 5, 6, Parcel ID 82-06-14-015-170.0005-027  
Evansville, Indiana**

Dear Ms. Katzman,

The SIGECOM/WOW Outside Plant Engineering department reviewed the drawing that was attached to your letter dated 10/09/2015. The findings of this review determined that SIGECOM/WOW does not have facilities within Storm Drain Easement, Lots 4, 5, 6, Parcel ID 82-06-14-015-170.0005-027 Evansville, Indiana.

As a result of these findings, SIGECOM/WOW does not have any objection to the vacate proposal for the Storm Drain Easement, Lots 4, 5, 6, Parcel ID 82-06-14-015-170.0005-027 Evansville, Indiana. This letter granted by SIGECOM/WOW for said vacation is valid for one hundred and eighty (180) days. If the Evansville City Council passes this vacation request, I would like to receive a copy of the recorded ordinance to be used for the purpose of updating our records.

Please contact my office should you have any questions or need any additional information.

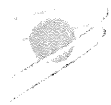
Sincerely,

A handwritten signature in black ink, appearing to read "Tom Cheski".

Tom Cheski  
Construction Engineer  
WOW! Internet-Cable-Phone  
Office – 812-437-0395  
Mobile – 812-470-4572  
Email – [thomas.cheski@wowinc.com](mailto:thomas.cheski@wowinc.com)

Cc: file

# Exhibit I



**VECTREN**  
Live Smart

Vectren Corporation  
P O. Box 209  
Evansville, IN 47702-0209

October 21, 2015

Menard, Inc.  
Attn: Alexandra Katzman, Corporate Counsel  
5101 Menard Drive  
Eau Claire, WI 54703

Re: Proposed vacation of a storm drain easement in Stonefield Crossing Subdivision, being the same easement recorded in Deed Drawer 1, Card 5554, located in the Northeast Quarter of Section 14, Township 6 South, Range 10 West, Vanderburgh County, Indiana, and being further described on the attached exhibits.

Petitioner: Menard, Inc.

Dear Mrs. Katzman:

Engineering representatives for Southern Indiana Gas and Electric Company, Inc. doing business as Vectren Energy Delivery of Indiana ("VEDI") have researched the above location requested for vacation and has determined that there is no objection to the proposed vacate of the subject right of way shown on the attached exhibits that you provided us.

In view of these findings VEDI has no objection to the proposed Petition to vacate a portion of the subject public right of way as referenced herein and as described on the Exhibits attached hereto.

The consent granted by VEDI for said vacation is valid for ninety (90) days. This is due to the constant installation of our facilities at numerous locations. If this vacation request is not petitioned and passed by the Common Council within this time period, this letter becomes invalid, requiring a new study to be done by VEDI.

Please forward to my attention a copy of the recorded ordinance upon passing for our records.

Sincerely,

Colby Morris, SR/WA  
Land Services, Right of Way Agent III  
Vectren Energy Delivery of Indiana  
(812) 491-4785

Exhibit J

